

**A-6419**  
**Variance Request**

Install a lamp post that would encroach  
twenty-three and four-tenths (23.4) feet  
forward of the twenty-five (25) foot front  
building restriction line.

Ms. Stephanie O. Verga and  
Mr. Andrew C. Verga  
5512 Center Street

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CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
OCTOBER 14, 2013 MEETING

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STAFF INFORMATION REPORT

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**TO:** BOARD OF MANAGERS  
**FROM:** ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR  
**DATE:** 10/9/2013  
**SUBJECT:** HEARING OF CASE NO. A-6419 VARIANCE REQUEST  
MS. STEPHANIE O. VERGA AND MR. ANDREW C. VERGA, 5512 CENTER STREET  
INSTALL A LAMP POST THAT WOULD ENCROACH TWENTY-THREE AND FOUR-TENTHS  
(23.4) FEET FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT BUILDING RESTRICTION LINE

**Case Synopsis:** The Applicants propose to install a lamp post in the front yard, forward of the front building restriction line (BRL). The Board has previously determined that lamp posts, while considered “structures” for the purposes of the Village Code, are not “structures” for the purposes of the covenants applicable to the property. A revision to the Village Building Code (proposed by the Building Code Review Committee) would allow an exception to Section 8-17(c) to allow one lamp post to be installed forward of the BRL as long as it is located at least six (6) feet from the curb and does not exceed ten (10) feet in height. The proposed lamp post would satisfy that requirement, should it be adopted. In the meantime, in support of the Village Police Department’s “Light It Up, Lock It Up” effort, the Board has approved lamp post installations and the variance fee has been waived pending adoption of a Code revision.

**NOTICE REQUIREMENTS:** Abutting Owners; Public Notice

**APPLICABLE CHEVY CHASE BUILDING REGULATION:**

**The Chevy Chase Village Code § 8-17 (c) states:**

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

**APPLICABLE COVENANTS:**

Unlike the majority of covenants imposed on properties in the Village, the covenants applicable to this property do not include a front building restriction. The covenants instead contain the more abbreviated “[t]hat no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises.” *The Board has previously determined, however, that lamp posts are not considered structures for the purposes of the covenants, so there is no covenant issue.*

**FACTUAL AND BACKGROUND INFORMATION:**

The property is on the northwest side of Center Street.

There is a Village street light located immediately to the west of the property, approximately thirty (30) feet west of the proposed lamp post location and another Village street light approximately one hundred (100) feet to the east - see attached diagram provided by Staff.

The lamp post will be located twenty (20) feet from the curb.



To date there have been no letters received from abutting neighbors in support of or opposition to the lamp post request.



Figure 1: View of 5512 Center Street. The proposed lamp post would be located thirty-three (33) feet from the house, to the left of the private walkway, and twenty (20) feet from the curb.



Figure 2: View through the fence to the proposed location of the lamp post.

The Village arborist has assessed the property. There are no tree protection concerns related to the installation of the lamp post.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: waived; TOTAL: \$30.

#### RELEVANT PRECEDENTS:

The Code reference for this variance request, Section 8-17(c), prohibits structures forward of the twenty-five (25) foot front building restriction line. Many precedents exist for requests for porches, stoops and steps to be constructed forward of the front BRL. More relevant to this case are the following: On November 23, 2010 Dr. & Mrs. Gary Adams of 116 Hesketh Street were granted a variance to **install** a freestanding gas lamp post that encroached twenty-four feet forward of the twenty-five (25) foot front building restriction line. On July 11, 2011 Christopher Erckert and Christopher Sperl of 28 Hesketh Street were granted a variance to **maintain** a lamp post that was installed eighteen feet, nine inches (18'-9") forward of the twenty-five (25) foot front building restriction line and that was installed without the applicable permit. On September 10, 2011 the Board **dismissed** two retroactive variance requests to **maintain** lamp posts located forward of the front BRL that had been replaced without the applicants having obtained the applicable variance and building permit.

#### FINDINGS REQUIRED:

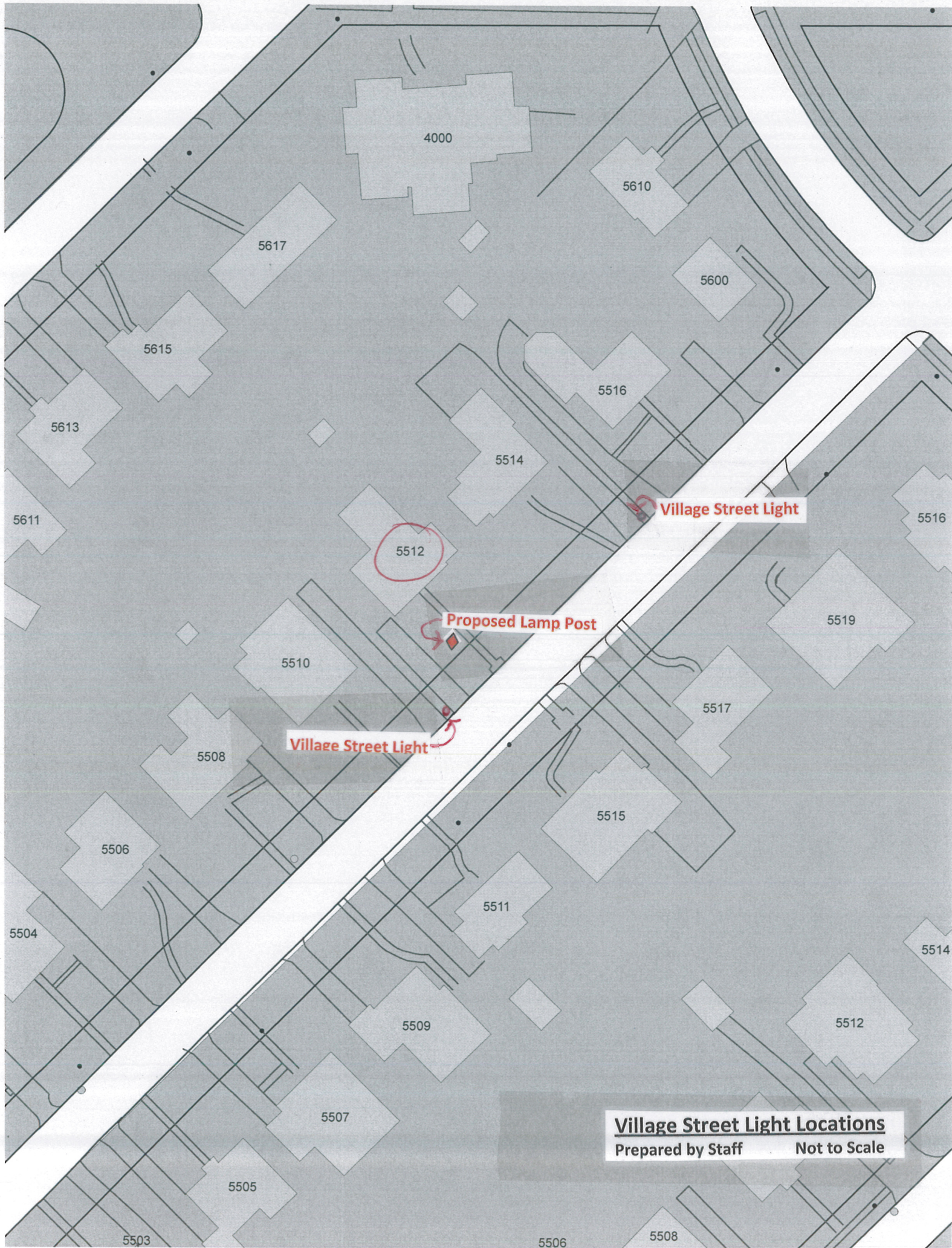
1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

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#### Draft Motions

I move to direct staff to draft a decision APPROVING/DENYING the variance request in Case A-6419, to install a lamp post that would encroach twenty-three and four-tenths (23.4) feet forward of the twenty-five (25) foot front building restriction line based on the findings that ...





**Village Street Light Locations**

Prepared by Staff

Not to Scale



**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 14<sup>th</sup> day of October, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6419  
MS. STEPHANIE O. VERGA & MR. ANDREW C. VERGA  
5512 CENTER STREET  
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to install a lamp post that would encroach twenty-three and four-tenths (23.4) feet forward of the twenty-five (25) foot front building restriction line.

**The Chevy Chase Village Code § 8-17 (c) states:**

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.


This notice was emailed (where possible) and mailed to abutting and confronting property owners on the 1<sup>st</sup> day of October, 2013.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**

**MAILING LIST FOR APPEAL A-6419**

**MS. STEPHANIE VERGA &  
MR. ANDREW VERGA  
5512 CENTER STREET  
CHEVY CHASE, MD 20815**

<b>Adjoining and confronting property owners</b>	
Ms. Rachel L. White & Mr. Stefan M. Meisner Or Current Resident 5514 Center Street Chevy Chase, MD 20815	Mr. & Mrs. Alex Holtan Or Current Resident 5510 Center Street Chevy Chase, MD 20815
Mr. Jeffrey Frey Or Current Resident 5511 Center Street Chevy Chase, MD 20815	Ms. Judith Weisman Or Current Resident 5515 Center Street Chevy Chase, MD 20815
Ms. Barbara A. Keyes & Mr. Barry P. Thompson Or Current Resident 5517 Center Street Chevy Chase, MD 20815	Mr. & Mrs. Anandarup Ray Or Current Resident 5617 Montgomery Street Chevy Chase, MD 20185
Ms. M. Teresa Finney Or Current Resident 5615 Montgomery Street Chevy Chase, MD 20815	

  
I hereby certify that a public notice was mailed to the aforementioned property owners on the 1<sup>st</sup> day of October 2013.

**Ellen Sands  
Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815**









October 1, 2013

Mr. & Mrs. Andrew Verga  
5512 Center Street  
Chevy Chase, MD 20815

Dear Mr. & Mrs. Verga:

Please note that your request for a variance to install a lamp post in the front yard at your property is scheduled before the Board of Managers on Monday, October 14, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

Should the Board approve your request for a variance to construct the proposed work, all applicable permits from the Village and Montgomery County must be obtained prior to commencing the work. For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands  
Permitting and Code Enforcement  
Chevy Chase Village

Enclosures

**CHEVY CHASE VILLAGE**

5906 Connecticut Avenue  
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov  
www.chevychasevillagemd.gov

**BOARD OF MANAGERS**

PATRICIA S. BAPTISTE  
*Chair*

MICHAEL L. DINGER  
*Vice Chair*

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*Board Member*

**VILLAGE MANAGER**  
SHIANA R. DAVIS-COOK

**LEGAL COUNSEL**  
SUELLEN M. FERGUSON

Chevy Chase Village  
**Building Permit Application**

Permit No: A-6419

<b>Property Address:</b> <u>5512 CENTER STREET</u>	
<b>Resident Name:</b> <u>ANDREW C. VERGA</u>	
Daytime telephone: <u>301-656-1407</u>	Cell phone: <u>703-673-8699</u>
After-hours telephone: <u>301-656-1407</u>	
E-mail: <u>ANDREW.VERGA@VERIZON.NET</u>	
<b>Project Description:</b> <u>INSTALL LAMP POST</u>	
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.	
<b>Primary Contact for Project:</b> <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):	
<b>Information for Primary Contact for Project (if different from property owner):</b> Name: Work telephone:      After-hours telephone: Cell phone: E-mail:	
<b>Will the residence be occupied during the construction project?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, provide contact information for the party responsible for the construction site (if different from above): Name: Address: Work telephone:      After-hours telephone: Cell phone: E-mail:	
<b>Parking Compliance:</b> Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



**Chevy Chase Village  
Building Permit Application**

Permit No: A-6419

<b>Property Address:</b> <u>5512 CENTER STREET</u>	
<b>Resident Name:</b> <u>ANDREW C. VERGA</u>	
Daytime telephone: <u>301-656-1407</u>	Cell phone: <u>703-673-8699</u>
After-hours telephone: <u>301-656-1407</u>	
E-mail: <u>ANDREW.VERGA@VERIZON.NET</u>	
<b>Project Description:</b> <u>INSTALL LAMP POST</u>	
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.	
<b>Primary Contact for Project:</b> <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):	
<b>Information for Primary Contact for Project (if different from property owner):</b> Name: Work telephone:      After-hours telephone: Cell phone: E-mail:	
<b>Will the residence be occupied during the construction project?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, provide contact information for the party responsible for the construction site (if different from above): Name: Address: Work telephone:      After-hours telephone: Cell phone: E-mail:	
<b>Parking Compliance:</b> Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager <div style="border: 2px solid black; padding: 5px; display: inline-block;"> <b>DENIED</b>  SEP 06 2013  Chevy Chase  Village Manager </div>	Application denied for the following reasons:
	<i>Handwritten signature</i>
	<i>Proposed structure is forward</i>
	<i>of the 25' building restriction</i>
	<i>line.</i>

<b>Filing Fees</b> (due when application submitted)	<b>Checks Payable to:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>30.00</u> (see Permit Fee Worksheet) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>\$30.00</u>	Date: Staff Signature:
<b>Damage Deposit/Performance Bond</b> (due when permit is issued)	<b>Checks Payable to:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Village Manager Signature:
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: Village Manager Signature:



# Chevy Chase Village

## Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property: 5512 CENTER STREET	
Describe the Proposed Project: INSTALL LAMP POST	
Applicant Name(s) (List all property owners): ANDREW C. VERGA STEPHANIE O. VERGA	
Daytime telephone: 301-656-1407	Cell: 703-673-8699
E-mail: ANDREW.VERGA@VERIZON.NET	
Address (if different from property address):	
For Village staff use:	
Date this form received: 9/2/13	Variance No: A-6419

### Filing Requirements:

**Application will not be accepted or reviewed until the application is complete**

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: [Signature]

Date: 08/30/2013

Applicant's Signature: [Signature]

Date: 8/30/13



**Describe the basis for the variance request (attach additional pages as needed).**

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

THE LARGE TREE IN THE FRONT OF MY HOUSE AND THE OTHER  
LARGE TREES THAT LINE THE STREET IN THE ADJACENT AREA  
CREATE A DARKENED ENVIRONMENT THAT WOULD BE  
SAFER WITH ADDITIONAL LIGHTING. THE STEP UP TO  
MY WALKWAY COULD POSE A SAFETY HAZARD AT NIGHT  
WITHOUT ADDITIONAL LIGHTING

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

THE ENFORCEMENT OF BUILDING REGULATIONS WOULD  
RESTRICT ME FROM ILLUMINATING THE WALKWAY WHICH  
WOULD CREATE A SAFETY HAZARD.

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

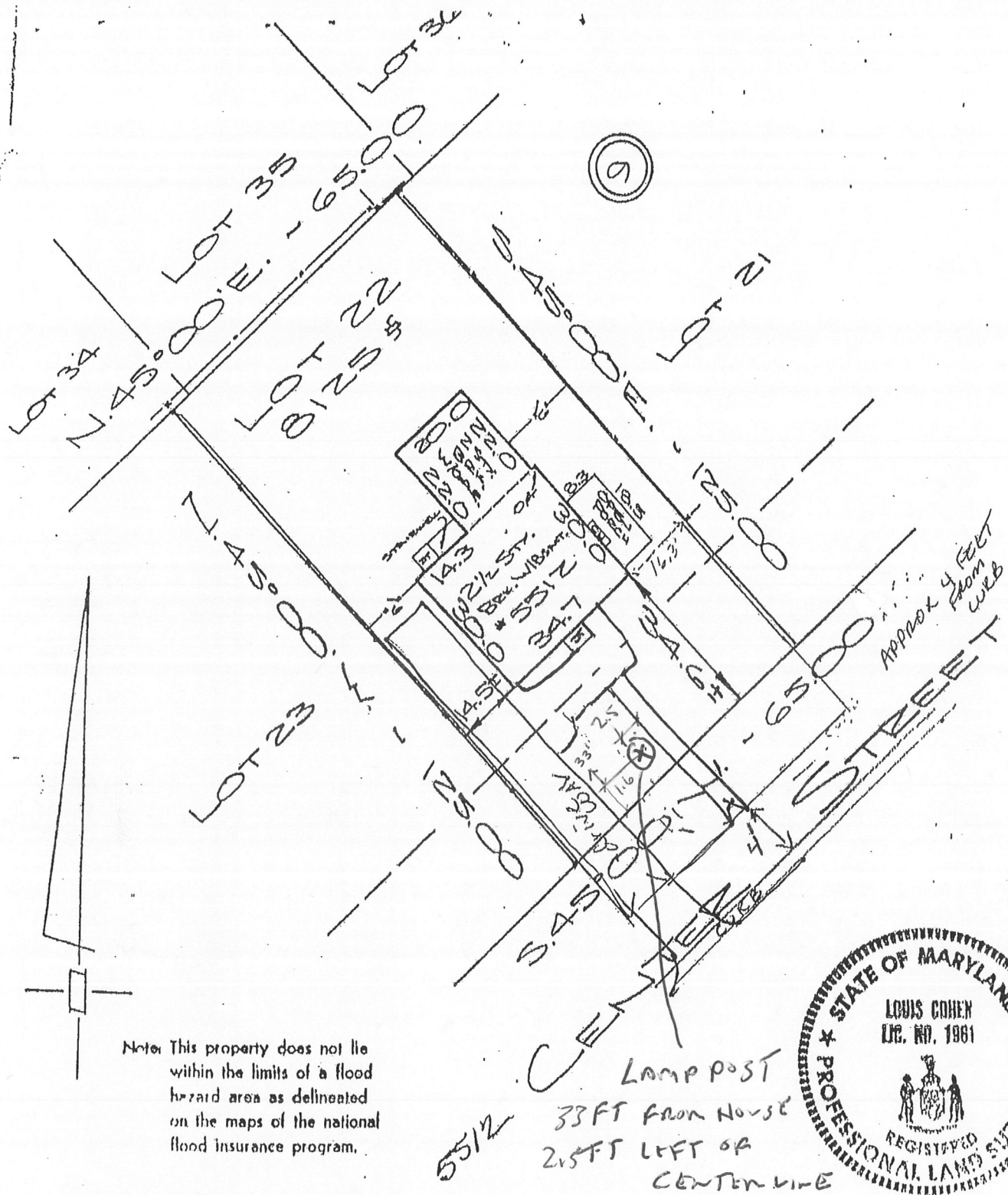
THE LAMP POST WOULD ENABLE ME TO BETTER COMPLY  
WITH THE POLICE DEPARTMENT'S REQUEST FOR IMPROVED ILLUMINATION

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of ~~And~~ <sup>Managers</sup> may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

ADVERSELY IMPACT THE FLOW OF LIGHT  
AND AIR AT THE PROPERTY

<b>Variance Filing Fee</b>  <i>Per Village Code Sec. 6-2(a)(24):</i> <input type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ <i>waived</i>  <b>Fee Paid:</b> <i>0</i>	<b>Checks Payable To:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815  <b>Date Paid:</b> <i>0</i>  <b>Staff Signature:</b> <i>Winters</i>
	<b>Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on:</b>  <b>Date:</b> _____  <b>Signature:</b> _____ <b>Village Manager</b>





# CAPITOL SURVEYS

<p>NOTE: This drawing is not intended to establish property lines nor is the existence of corner markers guaranteed. All information herein taken from the records of the county or city in which the property is located.</p>	<p>HOUSE LOCATION          LOT 22 BLOCK 9          SECTION 1-A          CHEVYCHASE          MONTGOMERY COUNTY, MARYLAND</p>	<p>I hereby certify that the position of all of the existing improvements on the above described property have been established by a transit tape measurement and that unless otherwise shown there are no visible encroachments.</p>
<p>DATE: JULY 8, 1988</p>	<p>Recorded in Plat Book 18 Plat 1132 Scale 1" = 30'</p>	<p>LOUIS COHEN          Registered Land Surveyor          Maryland No. 1961</p>
<p>CASE: 915-88</p>	<p>FILE: 30812</p>	

## EVERGLOW GAS LIGHTING

### LAMP COMBO PAK'S

COMBO PAK INCLUDES LAMP WITH ON/OFF BRASS KEY, POST WITH COPPER TUBING AND ELECTRONIC IGNITION FOR FAST STARTS WITH A PUSH BUTTON.

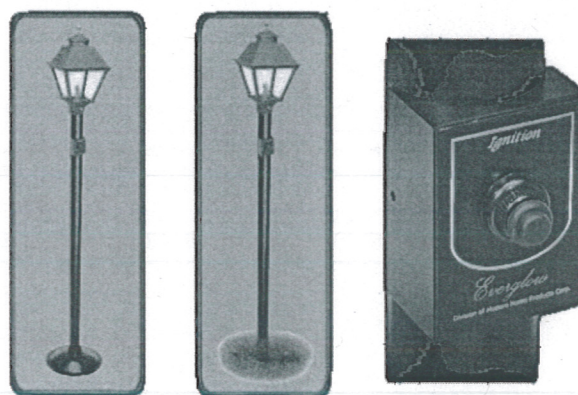
#### GAS LAMPS

Aluminum Lamps  
[ Lamp Combo Paks ]

#### GAS LAMP TORCHES

Torches  
Torch Combo Paks

Lighting Bases & Posts  
Lighting Features  
Lighting Applications  
Lighting Accessories



### DECK/PATIO INSTALLATION COMBO-PAK

INCLUDES OPEN FLAME HEAD, BASE, POST WITH COPPER TUBING AND IGNITION SYSTEM.

PART NO	LAMP HEAD	GAS TYPE	COLOR	POST LGTH	SHIP WT.
HKP-NO	HK SERIES	NATURAL	BLACK	6'5"	32 LBS.
HKP-PO	HK SERIES	PROPANE	BLACK	6'5"	32 LBS.
GGP-NO	GG SERIES	NATURAL	BLACK	6'5"	32 LBS.
GGP-PO	GG SERIES	PROPANE	BLACK	6'5"	32 LBS.
HJP-NO	HJ SERIES	NATURAL	BLACK	6'5"	32 LBS.
HJP-PO	HJ SERIES	PROPANE	BLACK	6'5"	32 LBS.

### IN-GROUND INSTALLATION COMBO-PAK

INCLUDES OPEN FLAME HEAD, BASE, POST WITH COPPER TUBING AND IGNITION SYSTEM.

PART NO	LAMP HEAD	GAS TYPE	COLOR	POST LGTH	SHIP WT.
HKP-NO	HK SERIES	NATURAL	BLACK	7'9"	27 LBS.
HKP-PO	HK SERIES	PROPANE	BLACK	7'9"	27 LBS.
GGP-NO	GG SERIES	NATURAL	BLACK	7'9"	27 LBS.
GGP-PO					



## EVERGLOW GAS LIGHTING

### ALUMINUM LAMPS

ALL CAST ALUMINUM CONSTRUCTION

#### GAS LAMPS

[ Aluminum Lamps ]  
Lamp Combo Paks

#### GAS LUAU TORCHES

Torches  
Torch Combo Paks



Lighting Bases & Posts  
Lighting Features  
Lighting Applications  
Lighting Accessories

#### ALUMINUM POST MOUNTS



HK1A - Black  
WHK1A - White  
BRHK1A - Rustic Iron  
22" H x 10 3/4" W  
Shipping Wt. 13 lbs.



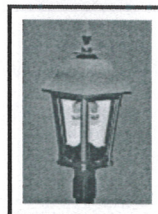
GG2A - Black  
WGG2A - White  
22" H x 10 3/4" W  
Shipping Wt. 13 lbs.



HJ3A - Black  
WHJ3A - White  
22" H x 10 3/4" W  
Shipping Wt. 13 lbs.



WK5A - Black  
WWK5A - White  
BRWK5A - Rustic Iron  
23" H x 14" W  
Shipping Wt. 17 lbs.



VK7A - Black  
WVK7A - White  
23" H x 14" W  
Shipping Wt. 17 lbs.

#### ALUMINUM PEDESTAL MOUNTS

$$6'-5" + 1'-10" = 8'-3" \text{ total}$$

Chevy Chase Village  
**Tree Inspection Request Form**

Property Address: <u>5512 Center St</u>
Date this form submitted to Village office: <u>9/17/13</u>
Resident Name: <u>Andrew Varga</u>
Phone: _____
E-mail: _____
This request initiated by: <input type="checkbox"/> Village office staff. <input type="checkbox"/> Resident/property owner
<input type="checkbox"/> Inspect tree(s) <sup>1</sup> requested for removal -- are any of conditions in Village Code Sec. 17-3(a) met? <input checked="" type="checkbox"/> Inspect trees <sup>1</sup> on property to determine if a Tree Protection Plan (TPP) is needed for proposed project <sup>2</sup> . <input type="checkbox"/> Pursuant to a Village Bldg Permit application <sup>2</sup> , prepare TPP for trees <sup>1</sup> on property [\$250 fee] <input type="checkbox"/> Verify that a TPP has been implemented for Village Building Permit # _____. <input type="checkbox"/> Follow up on an existing TPP -- is it OK to remove TPP? <input type="checkbox"/> Village right-of-way/park <input type="checkbox"/> Other: _____ <small><sup>1</sup> Show location of tree(s) on a plat or site plan (or on diagram on reverse, but only if plat unavailable).  <sup>2</sup> Attach full description of proposed project.</small>

Sections below must be completed by Village Arborist:

**Tree #1:** ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\*=\_\_\_\_\_ Species:\_\_\_\_\_ Tag#:\_\_\_\_\_ ☐ n/a: no tag.  
 Assessment: \_\_\_\_\_

**Tree #2:** ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\*=\_\_\_\_\_ Species:\_\_\_\_\_ Tag#:\_\_\_\_\_ ☐ n/a: no tag.  
 Assessment: \_\_\_\_\_

**Tree #3:** ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\*=\_\_\_\_\_ Species:\_\_\_\_\_ Tag#:\_\_\_\_\_ ☐ n/a: no tag.  
 Assessment: \_\_\_\_\_

(For more trees, please check here ☐ and attach pages: # of extra trees \_\_\_\_; # of extra pages \_\_\_\_.)  
**Arborist assessment:** Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?

Removal Approved	Denied	*Is permit required? (i.e., trunk circumference $\geq 24$ "?)	Y	N
Tree #1 <input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Tree #2 <input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Tree #3 <input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

*No Tree Protection Plan Required*  
 Arborist Signature [Signature] Date 9/18/13



Given under my hand and seal this 21st day of March, 1941.

Marvin T. Young  
Notary Public  
Westchester  
County

Marvin T. Young  
Notary Public, Westchester Co.  
N. Y. Co. Clk. No. 22, Reg. No.  
2-Y-11  
Commission expires March 10, 1942

State of New York, County of New York, ss:

No. 95552

I, Archibald R. Watson, County Clerk and Clerk of the Supreme Court, New York County, the same being a Court of Record having by law a seal, Do Hereby Certify, that Marvin T. Young, whose name is subscribed to the annexed deposition, certificate of acknowledgment or proof, was at the time of taking the same a Notary Public acting in and for said County, duly commissioned and sworn, and qualified to act as such; that he has filed in the Clerk's Office of the County of New York a certified copy of his appointment and qualification as a Notary Public for the County of Westchester, with his autograph signature; that as such Notary Public he was duly authorized by the laws of the State of New York to protest notes, to take and certify depositions, to administer oaths and affirmations, to take affidavits and certify the acknowledgment or proof of deeds and other written instruments for land tenements and hereditaments, to be read in evidence or recorded in this State. And, further, that I am well acquainted with the handwriting of such Notary Public, or have compared the signature of such officer with his autograph signature filed in my office, and believe that the signature to the said annexed instrument is genuine.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the said Court and County, this 21 day of Mar. 1941.

New York  
Seal

Archibald R. Watson  
County Clerk and Clerk of the  
Supreme Court, New York County

*See memo*  
EXAMINED

*Mailed to:*

*Miller K. Reading  
323 6 Military Rd.  
Hunt. D. C.  
5-16-41*

At the request of Miller K. Reading and Beulah P. Reading, the following Deed was recorded March 27th, A. D. 1941, at 1:43 O'clock, P. M. to wit: This Deed, Made this 26th day of March, in the year one thousand nine hundred and forty-one, by and between The Chevy Chase Land Company, of Montgomery County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland), party of the first part, and Miller K. Reading and Beulah P. Reading, his wife, of the District of Columbia, parties of the second part:

Witnesseth, That the said party of the first part, for and in consideration of the sum of Thirteen Thousand Nine Hundred and Fifty (13,950) Dollars to it paid by the said parties of the second part, and of the covenants and agreements of the said parties of the second part as hereinafter set forth, does hereby grant and convey unto the said parties of the second part, in fee simple, as tenants by the entirety, the following-described land and premises, with the improvements, easements and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:

Lots numbered Twenty (20) to Twenty-five (25) both inclusive, in the resubdivision made by The Chevy Chase Land Company of Montgomery County, Maryland of certain lots in Block numbered Nine (9) "Section One-A, Chevy Chase", as per plat of said resubdivision recorded in Plat Book No. 18, page 1132 of the Land Records of Montgomery County, Maryland.

Subject to building restriction line as shown on said plat.

It is hereby understood and agreed that no building shall be erected on the land hereby conveyed unless and until the plans of the elevations, the design and color

scheme thereof, as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors.

It is hereby understood and agreed that no objection will be raised by the said parties of the second part, their heirs and assigns, to the rezoning of lots in Blocks 6 and 11 in said subdivision known as "Section One-A, Chevy Chase," Montgomery County, Maryland, for use for commercial purposes.

In evidence of their acceptance of the covenants and restrictions herein contained and of their intention to bind themselves and each of them, their and each of their heirs and assigns, in carrying out and performing same, the said parties of the second part have hereunto set their hands and seals.

To Have and to Hold the said land and premises, with the improvements, easements, and appurtenances, unto and to the use of the said parties of the second part, in fee simple, as tenants by the entirety.

In Consideration of the execution of this Deed, the said parties of the second part, for themselves and each of them, for their and each of their heirs and assigns, hereby covenant and agree with the party of the first part, its successors and assigns (such covenants and agreements to run with the land), as follows, viz:

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage-houses, sheds or other out-buildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no stable, carriage-house, shed or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than Seventy-five hundred (7500) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square, or part of a lot or square in the Section of the Subdivision of which the land hereby conveyed forms a part).

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In Testimony Whereof, on the day and year first hereinbefore written, the said, The Chevy Chase Land Company of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward L. Hillyer, its President, attested by George E. Fleming its Secretary and its corporate seal to be hereunto affixed, and does hereby constitute and appoint George E. Fleming its true and lawful attorney-in-fact for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment, and to deliver the same as such.

Attest:

Geo. E. Fleming  
Secretary

The Chevy Chase Land  
Co. of Montgomery Co.  
Maryland

By

The Chevy Chase Land Company, of  
Montgomery County, Maryland.  
Edward L. Hillyer, President  
Miller K. Reading (Seal)  
Beulah P. Reading (Seal)



Chevy Chase Village  
**Website Posting Notice**  
**for Appeal, Special Permit & Variance Hearings**

Case Number: A-6419

Hearing Date: October 14, 2013

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: Andrew C. Verga

Address: 5512 Center Street, Chevy Chase, MD 20815

Telephone: (301)656-1407

E-mail: Andrew.Verga@Verizon.net

**Applicant/Appellant Signature:**

Agent Name for applicant/appellant (*if necessary*):

Telephone:

Address:

E-mail:

**Signature of agent:**

Village staff initials: GV

Date: 9/13/13